

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**EDWARD CHARLES BOONE**  
**Plaintiff,**

**V.**

**TELCO PLUS CREDIT UNION,  
DIANE HOLLIS, BETTY DEWEESE,  
GLADYS HERBERGER, TED  
SATTERWHITE, DON LLOYD,  
RUSSELL POLLICK, TIM  
WALLACE, CHRISTINA PRUITT,  
DAVID DOW, and BETSY LOAR,  
Defendants.**



**CIVIL ACTION NO. 6:08-cv-23**

**ORDER OVERRULING OBJECTIONS AND ADOPTING**  
**REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge (Doc. No. 40) has been presented for consideration, which contains his proposed findings of fact and recommendations for the disposition of the following motions: Defendants Telco Plus Credit Union, Diane Hollis, Betty DeWeese, and Gladys Herberger's Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim (Doc. No. 20), Defendants Ted Satterwhite, Don Lloyd, Russell Pollick, Tim Wallace, Christina Pruitt, and David Dow's Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim (Doc. No. 21), and Defendant Betsy Loar's Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim (Doc. No. 22). Plaintiff Edward Charles Boone has filed an Objection (Doc. No. 44) to the Report and Recommendation. Plaintiff has also filed an Objection (Doc. No. 45) to the Magistrate Judge's Order (Doc. No. 42) denying Plaintiff's Motion to Compel and Motion for a

Hearing.

Having carefully considered the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Federal Courts are courts of limited jurisdiction. Plaintiff has not alleged that his claim arises out of the U.S. Constitution, a specific federal statute, or any U.S. treaty. As discussed in the Magistrate Judge's Report, Plaintiff appears to allege that he is the victim of fraudulent behavior involving financial institutions and financial instruments. Private disputes of this nature, however, are generally governed by state law, not federal law. *See Christakes v. Burnhart*, 1997 WL 94740, at \*1 (N.D. Ill. Feb. 28, 1997). Plaintiff must bring this type of action in a state court, not a federal court. Therefore, the Court hereby overrules the objection of Plaintiff (Doc. No. 44) to the Report and Recommendation and adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that all of Defendants' Motions to Dismiss (Doc. Nos. 20, 21, 22) be **GRANTED** and that Plaintiff Edward Charles Boone's Complaint be **DISMISSED**.

Furthermore, the Court agrees with the Magistrate Judge that discovery and the subpoena of documents would be premature at this stage of the proceedings. Therefore, the Court hereby **OVERRULES** the objection of Plaintiff (Doc. No. 45) to the Magistrate Judge's Order (Doc. No. 42) denying Plaintiff's Motion to Compel and Motion for a Hearing.

**SIGNED this 15th day of August, 2008.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE